

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FRED MESI and ERIC MESI,

Plaintiffs,

v.

WASHINGTON MUTUAL HOME LOANS,
INC.; et al.,

Defendants.

3:08-cv-0486-LRH-RAM

ORDER

Before the court is plaintiff Fred Mesi's ("Mesi") brief to show cause why defendants IFG Lending and Impact Financial Group, Inc. should not be dismissed as defendants in accordance with the court's June 3, 2011 order (Doc. #97). Doc. #105.

I. Facts and Procedural History

In February, 2007, Mesi refinanced real property through a mortgage note and deed of trust originated by defendant Sierra Pacific. Mesi defaulted on the mortgage note and defendants initiated non-judicial foreclosure proceedings.

Subsequently, Mesi filed a complaint against defendants alleging seven causes of action: (1) violation of the Truth In Lending Act ("TILA"), 15 U.S.C. § 1601 et seq.; (2) violation of the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. § 2601; (3) violation of the Fair Housing Act ("FHA"), 42 U.S.C. § 3601 et seq.; (4) injunctive relief; (5) civil conspiracy; (6) intentional infliction of emotional distress; and (7) negligent infliction of emotional distress.

1 Doc. #3. Subsequently, certain defendants filed motions for summary judgment (Doc. ##86, 87)
2 which were granted by the court (Doc. #97).

3 On August 25, 2010, the court issued an order to show cause as to why remaining
4 defendants IFG Lending and Impact Financial Group, Inc. should not be dismissed form this action
5 in accordance with the court's order granting the motions for summary judgment. Doc. #103.
6 Thereafter, Mesi filed the present brief to show cause. Doc. #105.

7 **II. Discussion**

8 In his brief, Mesi fails to make any mention of defendant IFG Lending. Thus, the court finds
9 that IFG Lending should be dismissed as a defendant in this action for the reasons outlined in the
10 court's June 3, 2011 order granting the motions for summary judgment.

11 As to defendant Impact Financial Group, Inc., Mesi only claims that he will be asking for a
12 default judgment and that alone should warrant not dismissing Impact Financial Group, Inc.
13 However, Mesi has not filed a motion for default judgment nor has he made any showing that he
14 would be entitled to such a judgment. Further, Mesi has failed to show how the court's legal
15 reasoning and ruling in its order granting the motions for summary judgment cannot apply to this
16 defendant. Therefore, the court finds that Impact Financial Group, Inc. should likewise be
17 dismissed as a defendant in this action.

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19 IT IS THEREFORE ORDERED that defendants IFG Lending and Impact Financial Group,
20 Inc. are DISMISSED as defendants in this action.

21 IT IS SO ORDERED.

22 DATED this 23rd day of September, 2011.



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25 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE